

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

THE GENERAL LAND OFFICE OF
THE STATE OF TEXAS, et al.,

Plaintiffs,

V.

JOSEPH R. BIDEN, in his official capacity as President of the United States of America, et al.,

Defendants.

Civil Action No. 7:21-CV-00272

THE STATE OF MISSOURI; and
THE STATE OF TEXAS,

Plaintiffs,

V.

JOSEPH R. BIDEN, in his official capacity as President of the United States of America, et al.,

Defendants.

**Civil Action No. 7:21-CV-00420
(formerly No. 6:21-cv-00052)**

**DECLARATION OF DAVID A. DONATTI IN SUPPORT OF
MOTION TO INTERVENE AND REPLY MEMORANDUM**

I, David A. Donatti, declare as follows:

1. I am an attorney admitted to practice in Texas and New York and represent the Proposed Defendants-Intervenors Sierra Club and Southern Border Communities Coalition in this matter. I make the following declaration based on my personal knowledge, except where indicated, in support of the Motion to Intervene and the Reply Memorandum.

2. As noted in the Declaration of Cecillia D. Wang in support of the Motion to

Intervene, on March 14, 2024, the United States first notified Proposed Intervenorors that it had stopped work on several projects undertaken in compliance with the Settlement Agreement. Proposed Intervenorors and the United States then began to meet and confer about the impact of the preliminary injunction in the instant case on the United States' compliance with the Settlement Agreement in *Sierra Club v. Biden*, No. 20-CV-01494 (N.D. Cal. July 17, 2023)

3. On May 17, 2024, as part of that meet-and-confer process, the United States informed Proposed Intervenorors that, although several Settlement Agreement provisions are affected by this Court's injunction, it is taking the position that it is not in breach of the Settlement Agreement and would oppose the Proposed Intervenorors' attempts to enforce the Settlement Agreement.

I hereby declare that the foregoing is true and correct under penalty of perjury pursuant to 28 U.S.C. § 1746. Executed at Houston, Texas, this 17th day of May 2024.

/s/ David A. Donatti

CERTIFICATE OF SERVICE

I hereby certify that on May 17, 2024, I electronically filed a copy of the foregoing Declaration in Support of Motion to Intervene and Reply Memorandum. Notice of this filing will be sent via email to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's CM/ECF System.

/s/ David Donatti
David Donatti